

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Letters Patent of:  
John C. Harvey *et al.*

Patent No.: 7,865,920

Issued: January 4, 2011

---

For: SIGNAL PROCESSING APPARATUS AND  
METHODS

---

Commissioner for Patents  
Office of Patent Publication  
Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322**

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted errors which should be corrected. The error in claim 20 of the issued patent does not reflect the Examiner's Amendment contained in the October 19, 2010 Notice of Allowance (Exhibit A). The errors in claim 1 reflect the Examiner's Amendment, but are inadvertent mistakes of a typographical nature.

In claim 1, column 287, line 45, delete "to" before "to transfer said." Claim 1 was originally claim 31. In claim 31, on page 3 of the Examiner's Amendment, the examiner deleted the phrase "communicate said received and stored," but did not delete the "to" before the phrase, and then inserted "to transfer said at least one of said units of" in the phrase's place. Therefore, the resulting phrase became "to to transfer said at least one of said units of." The mistake is of a minor typographical character and the correction does not involve changes that would constitute new matter.

In claim 1, column 287, line 53, insert "at" between "switch" and "each." Claim 1 was originally claim 31. . In claim 31, on page 3 of the Examiner's Amendment, the examiner

inserted “said switch” between “controlling” and “each.” The phrase “said switch at” should have been inserted as evidenced by the many references to “said switch at” earlier in the claim. The mistake is of a minor typographical character and the correction does not involve changes that would constitute new matter.

In claim 20, column 291, line 4, delete “a” before “subject matter.” Claim 20 was originally claim 52. . In claim 52, on page 10 of the Examiner’s Amendment, the Examiner deleted “a” before “subject matter.” The mistake is of a minor typographical character and the correction does not involve changes that would constitute new matter.

The claims were last amended via an Examiner’s Amendment contained in the October 19, 2010 Notice of Allowance. Applicants gave authorization for the Examiner’s Amendment in an interview on October 1, 2010. No further amendments were submitted by Patentee or issued by the Examiner. Patent 7,865,920 issued on January 4, 2011, and contains the aforementioned typographical errors.

Patentee believes that the errors detailed above represent Office mistakes correctable pursuant to 37 C.F.R. §§1.322, and that no fee is due for the Certificate of Correction. However, if any fees are required, the Director is hereby authorized to charge any fees to our Deposit Account No. 50-4494.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Dated: January 11, 2011

Respectfully submitted,

By Thomas J. Scott, Jr.  
Thomas J. Scott, Jr.  
Registration No.: 27,836  
GOODWIN PROCTER LLP  
901 New York Avenue, NW  
Washington, DC 20001  
(202) 346-4000  
Attorney for Patentee

Request for Certificate of Correction  
Patent No. **7,865,920**  
Attorney Docket No. **PMC-003 C291**  
Page 3 of 3

**EXHIBIT A.**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

708E3 7500 10/19/2010

GOODWIN PROCTER LLP  
901 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20001

		EXAMINER
		PARK, CHAN S
ART UNIT	PAPER NUMBER	
2605		
DATE MAILED: 10/19/2010		

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/444,758	05/19/1995	JOHN C. HARVEY	5634.114	5569

TITLE OF INVENTION: SIGNAL PROCESSING APPARATUS AND METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/19/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fees(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fees(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. Part B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571) 273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE, if required. Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7001 7500 10/19/2010

**GOODWIN PROCTER LLP**  
**901 NEW YORK AVENUE, N.W.**  
**WASHINGTON, DC 20001**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or by facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/444,758	05/19/1995	JOHN C. HARVEY	5634.114	5569

TITLE OF INVENTION: SIGNAL PROCESSING APPARATUS AND METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/19/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
PARK, CHAN S	2625	725-038000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication for "Fee Address" Indication form PTO/SB/47, Rev 03-02 (or more recent) attached. Use of a Customer Number is required.
2. For printing on the patent front page, list  
 the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THIS PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are submitted:

## 4b. Payment of Fees(s): (Please first reapply any previously paid issue fee shown above)

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies

- A check is enclosed
- Payment by credit card. Form PTO-203B is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee (or other party in interest) as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/444,758	05/19/1995	JOHN C. HARVEY	5634.114	5569
70863	7590	10/19/2010	EXAMINER	
GOODWIN PROCTER LLP 901 NEW YORK AVENUE, N.W. WASHINGTON, DC 20001		PARK, CHAN S		
		ART UNIT		PAPER NUMBER
		2615		
DATE MAILED: 10/19/2010				

## Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

(application filed prior to June 8, 1995)

This patent application was filed prior to June 8, 1995, thus no Patent Term Extension or Adjustment applies.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Examiner-Initiated Interview Summary</b>	Application No. 08/444,758	Applicant(s) HARVEY ET AL.
Examiner	Art Unit CHAN S. PARK	2625
All Participants:	Status of Application: _____	

(1) CHAN S. PARK.

(3) Carl Benson.

(2) Thomas J. Scott (Reg. No. 27,836).

(4) \_\_\_\_\_.

Date of Interview: 1 October 2010

Time: \_\_\_\_\_

**Type of Interview:**

- Telephonic
- Video Conference
- Personal (Copy given to:  Applicant     Applicant's representative)

Exhibit Shown or Demonstrated:  Yes     No

If Yes, provide a brief description: \_\_\_\_\_.

**Part I.**

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Authorization for the examiner's amendment was given*

**Part III.**

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/CHAN S PARK/  
Primary Examiner, Art Unit 2625

(Applicant/Applicant's Representative Signature -- if appropriate)

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	08/444,758	HARVEY ET AL.
	Examiner CHAN S. PARK	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/8/02.
  2.  The allowed claim(s) is/are 31-33, 35-42 and 44-54. These claims will be renumbered as 1-22.
  3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All b)  Some\* c)  None of the:
      1.  Certified copies of the priority documents have been received.
      2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
  6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 20101001.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

/CHAN S PARK/  
Primary Examiner, Art Unit 2625

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Thomas J. Scott (Reg. No. 27,836) & Carl Benson on October 1, 2010.

2. The application has been amended as follows:

1-30. (Cancelled)

31. (Currently amended) A method of communicating programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving programming from one of said origination stations and retransmitting said received programming to at least one of said subscriber stations, each intermediate transmission station including one or more memories a plurality of storage locations and a switch operatively connected to said one or more memories plurality of storage locations, said method comprising the steps of:

storing at each of said plurality of intermediate transmission stations data of predetermined capacities;

transmitting from at least one of said one or more programming origination stations, a plurality of units of audio or video programming to said plurality of intermediate transmission stations;

transmitting from said at least one of said one or more programming origination stations to said plurality of intermediate transmission stations data that identify said

Art Unit: 2625

units of audio or video programming or a subject matter included in said units of audio or video programming;

processing said stored data of said predetermined capacities at each intermediate transmission station to identify one of said plurality of storage locations at which to store at least one of said plurality of units of audio or video programming, wherein said identified storage locations are different for each of said plurality of units of audio or video programming;

controlling said switch at each of said plurality of intermediate transmission stations to receive and store said units of audio or video programming for at said identified one of plurality of storage locations in accordance with said step of processing stored data of said predetermined capacities;

processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming at each intermediate transmission station to determine a period of time for which to store said units of audio or video programming;

controlling said switch at each intermediate transmission station to communicate said received and stored to transfer said at least one of said units of programming from said identified one of said plurality of storage locations to another of said plurality of storage locations in accordance with said step of processing said stored data of said predetermined capacities and said step processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming; and

controlling said switch each of said plurality of intermediate transmission stations to transmit said received and stored units of audio or video programming to at least one of said subscriber station stations in accordance with said step of processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming.

Art Unit: 2625

32. (Currently amended) The method of claim 31, wherein each switch said switch at each of said plurality of intermediate transmission stations includes a plurality of inputs or a plurality of outputs and said further comprising the step of storing data of predetermined characteristics specify at each of said plurality of intermediate transmission stations, said data of predetermined characteristics specifying at least one source of input to or device that receives output from said switch.

33. (Currently amended) The method of claim 31 32, further comprising the step of programming a computer to control at least one intermediate transmission station according to said stored predetermined characteristics.

34. (Cancelled)

35. (Currently amended) The method of claim 31, wherein each of said plurality of intermediate transmission stations transmits said units of audio or video programming to a subscriber in a broadcast or cablecast programming channel transmission, said method further comprising the steps of:

receiving from said one or more programming origination stations a signal including some other units of programming of said broadcast or cablecast programming channel transmission; and

controlling each switch at said plurality of intermediate transmission stations to communicate said other units of programming from a receiver to a transmitter.

36. (Currently amended) The method of claim 35, further comprising the steps of:

communicating a schedule to at least one controller; and

controlling at least one intermediate transmission station to communicate said units of programming according to said schedule.

37. (Previously presented) The method of claim 31, wherein said switch at each of said plurality of intermediate transmission stations comprises one or more of a digital switch and a matrix switch.

38. (Currently amended) A method of communicating programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving audio or video programming from said origination stations, each intermediate transmission stations including one or more selective communications devices and a plurality of storage locations, said method comprising the steps of:

(1) receiving passing a plurality of units of audio or video programming to a transmitter at said one or more programming origination stations;

(2) receiving, passing to said transmitter at said one or more programming origination stations, data identifying said units of audio or video programming or a subject matter included in said units of audio or video programming, said data effective to instruct: to:

(a) effect at least a first one of said plurality of intermediate transmission stations to receive and store said programming for a period of time and to indicate when to retransmit said plurality of units of audio or video programming to at least one of said plurality of subscriber stations, wherein said one or more selective communications devices at said at least a first intermediate transmission station are controlled based on data of one or more predetermined transmission station capacities is processed at said at least one of said plurality of intermediate transmission stations to identify one of said plurality of storage locations at which to store at least one said plurality of units of audio or video programming,

wherein said identified storage locations are different for each of said plurality of units of audio or video programming, and

wherein said stored at least one of said plurality of units of programming is transferred from said identified one of said plurality of storage locations to another of said plurality of storage locations based on said data identifying said units of audio or video programming or subject matter included in said units of audio or video programming and said data of one or more predetermined transmission station capacities; or

(b) — effect at least a second of said plurality of intermediate transmission stations to receive and store said programming for a period of time and retransmit said programming to at least one of said plurality of subscriber station, wherein said one or more selective communications devices at said at least a second of said plurality of intermediate transmission stations are controlled based on data of one or more predetermined transmission station capacities; and

(3) transmitting said plurality of units of audio or video programming and said data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming to said plurality of intermediate transmission stations.

39. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least a-first one of said plurality of intermediate transmission station stations comprise a switch which with a plurality of outputs and said predetermined transmission station capacities specify a plurality of memories storage devices and/or transmitters operatively connected to said plurality of outputs.

40. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least a-second one of said plurality of intermediate transmission station stations comprise a switch which with a plurality of inputs and outputs and said predetermined receiver transmission station capacities specify a plurality of memories storage devices and/or receivers operatively connected to said plurality of inputs and outputs.

Art Unit: 2625

41. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least one of said plurality of intermediate transmission stations comprise a plurality of storage locations, said method further comprising the step of embedding said data in a signal including said plurality of units of audio or video programming before transmitting said plurality of units of audio or video programming to said at least one of said plurality of intermediate transmission stations.

42. (Currently amended) The method of claim 38, wherein said data that identify said units of audio or video programming comprise a schedule, said method further comprising the step of transmitting at least some of said schedule to said at least a-second one of said plurality of intermediate transmission stations before transmitting said plurality of units of audio or video programming.

43. (Cancelled)

44. (Currently amended) An intermediate transmission station, comprising:

one or more a first receiver means for receiving that receives from one or more remote programming origination stations a plurality of units of audio or video programming and data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming;

one or more a first storage means for storing device that stores data of predetermined capacities;

one or more a first switch means operatively connected to said one or more first receiver means for communicating that communicates said units of audio or video programming;

one or more a plurality of second storage means devices operatively connected to at least one of said one or more first receiver means and said one or more first switch means for storing for storing said units of audio or video programming;

Art Unit: 2625

~~one or more a transmitter means operatively connected to at least one of said one or more first switch means and said one or more plurality of second storage means devices to transmit said plurality of units of audio or video programming to a subscriber station at a timing determined by processing said data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming; and~~

~~one or more a first control means for controlling controller that processes said one or more first switch means based on said data of one or more predetermined capacities to identify one of said plurality of second storage devices at which to store at least one of said units of audio or video programming, that controls said first switch to store said at least one of said units of audio or video programming at said identified one of said plurality of second storage devices in accordance with processing said data of one or more predetermined capacities, that processes said data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming, that controls said first switch to transfer said stored at least one of said units of audio or video programming from said identified one of said plurality of second storage devices to another of said plurality of storage devices, and that controls said first switch to communicate said units of audio or video programming to said transmitter,~~

wherein said identified storage locations are different for each of said units of audio or video programming.

45. (Currently amended) The intermediate transmission station of claim 44, further comprising ~~one or more a second receiver means operatively connected to said one or more first switch means for receiving that receives~~ one or more broadcast or cablecast programming channels from said one or more remote programming origination stations.

46. (Currently amended) The intermediate transmission station of claim 45, further comprising ~~one or more a second switch means operatively connected to~~

Art Unit: 2625

said one or more second receiver means for communicating said that communicates additional units of audio or video programming received in said one or more broadcast or cablecast programming channels to said one or more first receiver means plurality of second storage devices.

47. (Currently amended) The intermediate transmission station of claim 45, further comprising one or more a first detector means operatively connected to at least one of said first receiver and said second receiver means for detecting that detects said data.

48. (Currently amended) The intermediate transmission station of claim 45, further comprising one or more a second detector means operatively connected to at least one of said first receiver and said second receiver means for detecting that detects predetermined automatic processing information.

49. (Currently amended) The intermediate transmission station of claim 44, wherein said one or more first switch means are is operatively connected to a first of said one or more second storage means device, said station further comprising:

one or more a second switch means operatively connected to at least a second of said one or more plurality of second storage means devices; and

one or more a second control means controller operatively connected to said one or more second switch means for controlling that controls said one or more second switch means to communicate said units of programming to at least one of said at least a plurality of second storage means devices.

50. (Currently amended) The intermediate transmission station of claim 49, further comprising one or more a third control means controller operatively connected to said at least a plurality of second storage means for controlling devices that controls said at least a plurality of second storage means devices to store or communicate said programming.

Art Unit: 2625

51. (Currently amended) The intermediate transmission station of claim 50, further comprising one or more a detector means operatively connected to one or more of said first controller, said second controller, and said third control means for detecting controller that detects automatic processing information.

52. (Currently amended) A method of communicating audio or video programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving a plurality of units of audio or video programming from one of said origination stations and retransmitting at least one of said received units of audio or video programming to at least one of said subscriber stations, each intermediate transmission station including a plurality of storage devices, said method comprising the steps of:

storing at each of said plurality of intermediate transmission stations predetermined intermediate transmission station capacities;

transmitting, from at least one of said one or more programming origination stations, predetermined intermediate transmission station automatic processing information to said plurality of intermediate transmitter stations;

transmitting, from said at least one of said one or more programming origination stations, a plurality of units of audio or video programming to said plurality of intermediate transmission stations;

transmitting from said at least one of said one or more programming origination stations to said plurality of intermediate transmission stations data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming;

controlling each of said plurality of intermediate transmission stations to receive and store at least one of said plurality of units of audio or video programming for a period of time, wherein each of said plurality of intermediate transmission stations

processes said predetermined intermediate transmission station capacities to identify one of said plurality of storage devices at which to store said at least one of said plurality of units of audio or video programming, wherein said identified storage devices are different for each of said units of audio or video programming;

controlling each of said plurality of intermediate transmission stations to transfer said at least one of said units of audio or video programming from said identified one of a plurality of storage devices to another of said plurality of storage devices, wherein each of said plurality of intermediate transmission stations processes said predetermined intermediate transmission station capacities and said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming for transferring said at least one of said units of audio or video programming from said identified one of a plurality of storage devices to said another of said plurality of storage devices; and

controlling each of said plurality of intermediate transmission stations to transmit said received and stored at least one of said plurality of units of audio or video programming to at least one subscriber station based on processing; wherein each of said plurality of intermediate transmission stations is controlled based on said predetermined intermediate transmission station capacities and said predetermined intermediate transmission station automatic processing information.

53. (Previously presented) The method of claim 52, wherein at least a portion of said predetermined intermediate transmission station capacities and said predetermined intermediate transmission station automatic processing information is processed according to a schedule, said method further comprising the step of transmitting a signal which operates at least one of said intermediate transmission stations to communicate said schedule to one of a computer and a memory.

54. (Previously presented) The method of claim 52, wherein at least a portion of said predetermined capacities applies to a programmable device and said

predetermined intermediate transmission station automatic processing information comprise operating instructions which program said device.

55-100. (Cancelled)

## **ALLOWANCE**

### ***Allowable Subject Matter***

3. **Claims 31-33, 35-42 and 44-54** are allowed. These claims will be renumbered as 1-22.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record do not teach or suggest the claim limitations of identifying storage location at which to store at least one of said plurality of units of audio or video programming by processing said stored data of said predetermined capacities, processing said data that identify said units of programming to determine a period of time for which to store said units of programming and transferring said at least one of said units of programming from said identified location to another location in accordance with stored data of said predetermined capacities and said data that identify said units of programming.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Remarks***

6. A double patenting administrative requirement is not being required by the examiner in the instant application since the examiner has independently conducted a double patenting analysis of the claims in the instant application.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/  
Primary Examiner, Art Unit 2625  
October 8, 2010

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,865,920

APPLICATION NO. 08/444,758

ISSUE DATE : January 4, 2011

INVENTOR(S) : John C. Harvey, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1, column 287, line 45, delete "to" before "to transfer said."

In claim 1, column 287, line 53, insert "at" between "switch" and "each."

In claim 20, column 291, line 4, delete "a" before "subject matter."

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Goodwin Procter LLP  
901 New York Avenue, NW  
Washington, DC 20001

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The **Privacy Act of 1974** (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.